

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDWARD PITRE,

**SEAMUS P. BARRETT, ESQ.'S
DECLARATION IN
OPPOSITION TO DEFENDANTS'
MOTION *IN LIMINE***

Plaintiff,

-against-

Civ No: 18-CV-5950 (DC)

THE CITY OF NEW YORK,
JAN BORODO, individually, and
JOSEPH M. MASTROPIETRO, individually,

Defendants.

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SEAMUS P. BARRETT, ESQ. declares, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. I am an Attorney of the DEREK SMITH LAW GROUP, PLLC, attorneys of record for Plaintiff EDWARD PITRE. As such I am familiar with the facts and circumstances of this case.
2. I submit this Declaration in opposition to Defendants' Motion *In Limine*.
3. Exhibit 1 attached hereto is a true and correct copy of the settlement agreement reached in Plaintiff's 2011 lawsuit, in which settlement was reached in around late October 2014, when the agreement was signed.
4. Exhibit 2 attached hereto is a true and correct copy of a 5/11/21 email between myself and Defense Counsel of record, Nicholas Green, Esq. and the attachment to that email, which was Plaintiff's supplemental 26(a) disclosures that were sent to Defendants, dated 5/11/21.
5. Exhibit 3 attached hereto is true and correct copy of an email exchange dated 6/1/22 between the undersigned and defense counsel, Nicholas Green, Esq., wherein I re-sent the

NYCERS release from 2020, and offered to send a new release, and where Mr. Green, in response indicates that he believes the old release will be fine.

Dated: September 19, 2023

New York, NY

Respectfully submitted,

DEREK SMITH LAW GROUP, PLLC

Attorneys for Plaintiff

/s/Seamus Barrett _____

Seamus Barrett, Esq.

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